

Patrick C. Mullin (State Bar No. 72041)  
Dylan B. Carp (State Bar No. 196846)  
S. Christine Young (State Bar No. 253964)  
JACKSON LEWIS LLP  
199 Fremont Street, 10th Floor  
San Francisco, California 94105  
Telephone: (415) 394-9400  
Facsimile: (415) 394-9401

Attorneys for Defendants  
NATIONAL PASSENGER RAILROAD  
CORPORATION, et al.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

MARK K. SCHULTHIES,

Plaintiff,

v.

NATIONAL PASSENGER RAILROAD  
CORPORATION dba AMTRAK, JOSEPH W.  
DEELY, STEVEN SHELTON, and DOES 1  
through 15 inclusive

Defendants.

Case No. C08-05538-CW

**STIPULATED REQUEST FOR ORDER  
CONTINUING HEARING AND  
BRIEFING ON DEFENDANTS'  
MOTION TO DISMISS; ORDER AS  
MODIFIED**

Complaint Filed: 12/10/08  
Trial Date: 12/06/10

The parties, having met and conferred by and through their respective counsel, hereby stipulate and request that the Court issue an Order to move the hearing date for Defendants' Motion to Dismiss from December 17, 2009 to January 7, 2010, to extend the deadline for Plaintiff's Opposition Brief to 21 days before the Hearing, and to extend the deadline for Defendants' Reply Brief to 14 days before the Hearing. Good cause exists because Plaintiffs' counsel has been ill for a number of days.

IT IS SO STIPULATED.

1 Dated: November 18, 2009

PRICE AND ASSOCIATES

2  
3 By: s/Pamela Y. Price  
4 Pamela Y. Price  
5 Attorneys for Plaintiff  
6 MARK K. SCHULTHIES

7 Dated: November 18, 2009

JACKSON LEWIS LLP

8 By: s/Dylan B. Carp  
9 Patrick C. Mullin  
10 Dylan B. Carp  
11 S. Christine Young  
12 Attorneys for Defendants  
13 NATIONAL PASSENGER  
14 RAILROAD CORPORATION,  
15 JOSEPH DEELY, AND STEVEN  
16 SHELTON

17 **ORDER**

18 IT IS HEREBY ORDERED that the Hearing on Defendants' Motion to Dismiss is  
19 vacated. The deadline for Plaintiff's Opposition Brief is December 17, 2009, and the deadline for  
20 Defendants' Reply Brief December 24, 2009. The motion will be decided on the papers.

21 Dated: 11/25/09

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24 Hon. Claudia Wilken  
25 U.S. District Court Judge